

Warren County Board of Supervisors

Committee: **Public Works - Airport, DPW and Parks, Recreation & Railroad**

Date: **May 31, 2011**

Committee Members Present:

Supervisors Belden
 Bentley
 Merlino
 McCoy
 Wood
 Taylor

Committee Members Absent:

Supervisors Champagne
 Monroe
 Conover

Others Present:

Jeffery Tennyson, Superintendent of Public Works
Don DeGraw, Airport Manager
Paul Butler, Director of Parks, Recreation & Railroad
Daniel G. Stec, Chairman of the Board
Paul Dusek, County Attorney/Administrator
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor Girard
Supervisor Loeb
Supervisor Strainer
Supervisor Thomas
Julie Pacyna, Purchasing Agent
Brian LaFlure, Fire Coordinator/ Director of the
 Office of Emergency Services
Dave Wick, District Manager, Soil & Water
 Conservation District
Rich Schermerhorn, Rich Air
Richard Waters, Rich Air
Jon Lapper, Rich Air
Mark Mulholland, News Channel 13
Don Lehman, *The Post Star*
Nicole Livingston, Deputy Clerk

In the absence of the Committee Chairman, Mr. Bentley, Vice-Chairman, called the meeting of the Public Works Committee to order at 9:35 a.m.

Motion was made by Mr. McCoy, seconded by Mrs. Wood and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Prior to commencing the Agenda review, Paul Dusek, County Attorney/Administrator, updated the Committee on the audio equipment located in the Board Room. He stated that the microphones had been wired together and put in a special position on the Committee table and the purpose was to eliminate feedback. Also, he continued, there had been numerous concerns expressed by the public and the media that it had been difficult to hear discussions during meetings and the new placement of the microphones was an attempt to correct the matter.

Mr. Bentley recommending starting the Agenda review with the Parks, Recreation & Railroad portion while awaiting the arrival of the Airport Manager.

Privilege of the floor was extended to Paul Butler, Director of the Parks, Recreation & Railroad Department, who distributed copies of his Agenda to the Committee members; *a copy of the Agenda is also on file with the minutes.*

Commencing the Agenda review, Mr. Butler referred to Item 1 and requested to amend the existing permit agreement with American Railway Technologies Inc. for the inside storage of their locomotive stored in the North Creek Station engine house. He explained that effective June 20, 2011, American Railway Technologies locomotive storage payment would change from \$10 per day to the outside storage rate of \$1 per day. He added that American Railway Technologies would no longer pay the utility bill effective the same date, due to the relocation to the outside storage.

Motion was made by Mr. McCoy, seconded by Mr. Taylor and carried unanimously to amend the existing permit agreement with American Railway Technologies Inc. as outlined above and the necessary resolution was authorized for the June 17, 2011 Board meeting. A copy of the resolution request form is on file with the minutes.

With regard to the railroad station funds, Jeff Tennyson, DPW Superintendent, advised he continued to work with the New York State Department of Transportation (NYS DOT) relative to the remainder of station monies. He stated that one option was to enclose the stations, as that was included in the original design report and he continued working with NYS DOT to determine what documents would be necessary if the County were to pursue that option. He cautioned that the grant could expire if the engineering for the enclosure was performed in-house due to the backlog of work. Mr. Tennyson suggested that an extension of the grant be requested if the Committee desired pursuing the enclosure of the stations. In response to an inquiry, Mr. Tennyson informed the remaining amount of funds from the grant totaled \$42,860.

Motion was made by Mr. Merlino, seconded by Mr. McCoy and carried unanimously to authorize the submission of an application requesting a grant extension in connection with the railroad stations. The necessary resolution was authorized for the June 17, 2011 Board meeting and the resolution request form is on file with the minutes. *Subsequent to the meeting, it was determined that Resolution No. 156 of 2009 authorized the Chairman of the Board to execute no-cost time extensions from NYS DOT; thereby negating the need for an additional resolution.*

Mr. Butler announced that Mr. Dusek would address the next item which concerned the Public Authority for the Railroad. Mr. Dusek distributed a proposed draft of the legislation for the Public Authority to the Committee members, a copy of which is on file with the minutes. He reviewed the document in detail and highlighted a particular portion which outlined the membership of the Authority, and currently stated membership would consist of five members with the County legislative body appointing four voting members and the Town appointing one voting member. He noted that the Town of Corinth would not be favor of this and had previously requested essentially equal membership. Mr. Dusek questioned the desire of the Committee in terms of the size of membership, as well as the appointing of the membership.

Mr. Belden entered the meeting at 9:50 a.m. and assumed the Chair of the Committee.

Mr. Tennyson questioned the time line for this legislation to be enacted and Mr. Dusek replied it was possible for this to be included in this legislative session which ended in June;

thereby, authorizing the Public Authority within the next thirty days.

Referring to the Items of Interest portion of the Agenda, Mr. Butler commented that the first item listed was an update on the Iowa Pacific contract. Mr. Dusek apprised that the contract had not been signed yet and the new target date for execution was tentatively scheduled for June 2nd or 3rd and they were in the process of resolving the common carrier rules. Mr. Tennyson added that from an operational standpoint, Iowa Pacific and Saratoga North Creek Railroad, were progressing with the operational aspect of assessing the stations. Mr. Belden asked if there had been any damage to the tracks as a result of the recent storms and Mr. Tennyson responded that the entire rail line had not been inspected since the most recent storm; however, he noted, there had been minor damage and flooding which resulted from the storm last month.

Mr. Butler continued with item 2 under Items of Interest, and provided an update on the Fish Hatchery stocking. He stated that a list was included in the agenda which outlined stocking sites, types of species, size and the dates of stocking. He advised that the stocking was 90% complete and their permit called for appropriate levels of water ways and temperatures for consideration of shocking the fish.

The next update, Mr. Butler remarked, was on the Stony Creek platform. He distributed pictures for the Committee members to review of the current construction. He mentioned that the requested grant extension was approved. Mr. Tennyson added that they were working with Iowa Pacific to ensure that the platform measurements matched their equipment.

Mr. Butler announced that the third item listed was an invitation from the Saratoga North Creek Railroad for an informational meeting on June 1, 2011 at 2:00 p.m. at the Copperfield Inn located in North Creek.

With regard to the referrals listed, Mr. Dusek apprised both items were currently under review and should be carried forward until next month.

There being no further Parks, Recreation & Railroad business to discuss, privilege of the floor was extended to Don DeGraw, Airport Manager, who distributed copies of his Agenda to the Committee members; *a copy of the Agenda is also on file with the minutes.*

Mr. Tennyson reported that the Committee meeting for all divisions of Public Works would be held at the Airport next month.

Commencing the Agenda review, Mr. DeGraw requested the authority to sign any airport related certifications that did not require changes to County Laws or Rules, as recommended by Mr. Dusek.

Motion was made by Mr. McCoy, seconded by Mr. Merlino and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 17, 2011 Board Meeting. A copy of the resolution request form is on file with the minutes.

Item 2, Mr. DeGraw said, was a request to authorize an agreement with the Adirondack Hot Air Balloon Festival for the 2011 event at the Airport.

Motion was made by Mr. Bentley and seconded by Mr. McCoy to approve the request as presented.

Mr. Dusek informed if the Committee approved the agreement and wished to include parking fees, as discussed at previous meetings, that would be included at this time as a requirement. He reported that the last time the parking fees were discussed, the Balloon Festival Committee had proposed doing collections during the event; however, he said, it was his understanding that the Balloon Festivals' Board had not approved such collections. He added that the Balloon Festival Committee requested to postpone any parking fees for the event for this coming year.

Mr. McCoy questioned how the budget would be impacted if parking fees were not charged this year. Mr. Tennyson explained that \$15,000 had been allocated from the Occupancy Tax Fund and he anticipated a total associated cost of \$21,000, leaving a \$6,000 shortfall.

Mr. Strainer expounded, as the County's representative on the Balloon Festival Committee, the objection to parking fees was mainly due to the concern of lengthy traffic delays trying to enter and exit the Airport. Additionally, he said, the Balloon Festival was not receiving financial support from the businesses as they had in the past and sponsorships were low.

Following discussions, Mr. Belden called the question and the motion was carried by majority vote, with Mrs. Wood voting in opposition, to approve the agreement with the Adirondack Balloon Festival as outlined above, and to not include any parking fees this year. The necessary resolution was authorized for the June 17, 2011 Board meeting and the resolution request form is on file with the minutes.

Mr. Geraghty opined that the Balloon Festival was not a function of the DPW and their budget should not be penalized for it.

Under Items of Interest, Mr. DeGraw stated that Rich Schermerhorn, FBO (Fixed Base Operator) and owner of Rich Air, was present to discuss hangar lease issues. Mr. Schermerhorn referred to the established lease rate for the commercial hangars he had built on the Airport property and noted that recently there had been a change in assessment by the Town of Queensbury on the commercial hangars. He remarked that the new assessment would make the lease rates uncompetitive with other airports. Mr. Schermerhorn requested the Committee revisit the lease rates in the agreement in the near future.

Chairman Stec asked Mr. Schermerhorn if the County were to amend the lease agreement, what lease rate he would need in order to remain competitive with other airports. Mr. Schermerhorn replied he did not have a definitive number at this time and added he would do some research on lease rates for other airports in the area and report back to the Committee next month. Currently, he said, he paid \$0.50 per square foot per commercial hangar, or \$28,000 per year, and the assessment would be an additional \$12,000 per year.

Concluding the Airport Agenda, Mr. DeGraw directed the Committee members to the Referrals portion and reviewed the items as follows:

- 1- With regard to the Forest Enterprises parcel, Mr. DeGraw reported that at the last Town of Queensbury Planning Board meeting, they were seeking lead agency status for the SEQRA and tonight a public meeting would be held with the Planning Board which he would be attending.
- 2- Relative to the Adirondack Hot Air Balloon Festival, Mr. DeGraw advised the matter was discussed and could be removed from the pending item list.
- 3- Concerning a possible easement across privately owned property sought to introduce a new access road to the Airport property, Mr. DeGraw stated he had talked with the owner of the property who was only interested in selling the entire parcel, otherwise he was not interested in authorizing an easement.
- 4- Mr. DeGraw apprised that the June Public Works Committee meeting would be held at the Airport.

There being no further Airport business to discuss, privilege of the floor was extended to Mr. Tennyson, DPW Superintendent, who distributed copies of his Agenda to the Committee members; *a copy of the Agenda is also on file with the minutes.*

Prior to commencing the Agenda review, privilege of the floor was extended to Brian LaFlure, Fire Coordinator/Director of the Office of Emergency Services, to provide an update on the most recent storm. Mr. LaFlure informed the Towns of Thurman and Stony Creek suffered substantial damage during the most recent storm and Mr. Tennyson and his staff had assisted greatly. He further stated that he was in contact with the State and it appeared that there may be enough damage State-wide to do another declaration to receive assistance from FEMA (Federal Emergency Management Agency). In order to receive FEMA assistance, he continued, it was necessary to provide him with preliminary damage assessments from any of the Towns that had damage, as well as estimated dollar amounts, to determine if the County would meet the threshold for the declaration. Mr. LaFlure reminded the Committee members that if Towns that had received a declaration had residents that had personal property damage, it had to be a primary residence and they needed to keep track of their expenses.

Mr. Tennyson commenced the Agenda review with item 1, the MS4 Annual Report. He requested Dave Wick, District Manager of Soil & Water Conservation District, to address this item. Mr. Wick remarked that the County had certain requirements under State and Federal statute to meet stormwater management criteria and Warren County had been declared a MS4 (Municipal Separate Storm Sewer System) area in 2003, meaning the County had stormwater infrastructure and densely populated areas. He noted that a program plan was developed as required and the Annual Report outlined the plan and what had been accomplished over the past year. He added that the County did meet, and in many cases exceeded the program requirements for New York State and the Report is on the County website.

Mr. Tennyson referred to the next item, the 2011 Paving Projects. He announced that all dates were subject to change due to the recent storm damage throughout the County. Currently, he said, the paving crew had shut down and reconstituted as a highway crew

to address the storm damage. He pointed out that the Committee may want to consider contract paving or producer placed paving in order to complete paving projects prior to the end of the summer season.

Mr. Tennyson distributed photos of 13th Lake Road for the Committee members to review. He informed that the damage to 13th Lake Road occurred approximately one month ago and his staff had reconstructed the road and it was now open to traffic with a gravel base. He noted there was still a lot of work to be done on that Road; however, he said, that work had been suspended due to other priorities. Mr. Tennyson explained in detail the process it took to clean up the area. He added that he was hoping to receive reimbursement for that Road from either FEMA or SEMO (State Emergency Management Office) for a total cost of approximately \$200,000.

Mr. Tennyson said the next item for discussion was the Stony Creek/Thurman/Schroon River Road storm damage and he distributed additional photos to the Committee members to review of various roads that were damaged. He referenced Harrington Road Bridge and noted that bridge received the most damage. He explained the damage in detail and added that fortunately, that was the worst for bridge damage on the County bridge system. Mr. Tennyson provided a verbal report of other County roads that were damaged and the current status of each as follows:

- Athol Road, open with damage
- Glen Athol Road, open with damage
- Harrisburg Road, open with damage
- Valley Road, closed
- Schroon River Road, open with damage
- County Route 11, temporary repair
- Mountain Road, damaged
- South Garnett Lake Road, closed
- High Street, closed
- South Johnsburg Road, open with damage

Mr. Tennyson reported that the goal was to have all County roads accessible to emergency vehicles as soon as possible and his crews were working twelve hour days to make that happen, which he would re-assess at the end of the week.

Mrs. Wood thanked all the Towns who had offered and/or provided assistance to the Town of Thurman, with either equipment or manpower, and she thanked Mr. Tennyson for all of his efforts, as well. Mr. Thomas echoed Mrs. Woods' statements relative to the assistance that the Town of Stony Creek had received.

Mr. Geraghty opined that the Committee needed to offer Mr. Tennyson financial assistance relative to the storm damage and suggested securing a bond. Mr. Dusek recommended that he meet with Mr. Tennyson, Chairman Stec and Mr. Geraghty to review the Public Works budget and the costs associated with the storm damage and report to the Finance Committee on June 8, 2011.

Mr. Tennyson referred to the next item on the Agenda, and requested to amend the access agreements with regard to the Chatiemac Road Bridge Project and to authorize payment for the temporary access agreements. He added he was requesting to extend the agreements on a month to month basis for the same payment rate as the existing agreement.

Motion was made by Mr. Bentley, seconded by Mr. Taylor and carried unanimously to authorize payment for temporary access agreements relating to the Chatiemac Road Bridge Project on a monthly basis and the necessary resolution was authorized for the June 17, 2011 Board meeting. The resolution request form is on file with the minutes.

Mr. Tennyson apprised the next request was to amend Resolution Nos. 565 of 2009 and 873 of 2009 to correct the total amount of Capital Project No. H272.9550 280 Harrington Road over Mill Creek Bridge Replacement. He stated that there had been a \$100 accounting error, as discovered by Joan Sady, Clerk of the Board.

Motion was made by Mr. McCoy, seconded by Mrs. Wood and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the June 17, 2011 Board meeting. The resolution request forms are on file with the minutes.

The next item, Mr. Tennyson said, related to a class action lawsuit against Cell Tek, LLC. He explained that his Department had received unsolicited advertisements and Mr. Dusek was reaching out to other departments to determine if additional unsolicited advertisements had been received. He requested authorization for the settlement of the class action lawsuit as described above. He noted that the settlement payment could be up to \$500.

Motion was made by Mr. Bentley, seconded by Mrs. Wood and carried unanimously to authorize the settlement as outlined above, and the necessary resolution was authorized for the June 17, 2011 Board meeting. The resolution request form is on file with the minutes.

Mr. Tennyson provided an update on the EFC grant in connection with the Beach Road Project. He had previously reported that the County had been selected to receive a \$415,000 grant from the EFC for the Beach Road Reconstruction Project, which would augment the existing \$6 million NYS DOT (New York State Department of Transportation) grant currently on the project and allow for installation of porous pavements. He advised he was struggling to get EFC to the table and he was not sure he would be recommending that the County accept this grant. He informed he would be meeting with the appropriate representatives in mid-June and would report back to the Committee at a later date. Mr. Tennyson remarked that there was enough money in the NYS DOT grant to do the porous pavement.

Mr. Tennyson requested authorization for two employees to attend the New York State Bridge & Culvert Maintenance Conference at the Mohawk Valley Community College in Utica, New York on June 15 and 16, 2011. He stated that the cost for both employees to attend the conference was \$100.

Motion was made by Mr. McCoy, seconded by Mrs. Wood and carried unanimously to authorize attendance at the aforementioned meeting as outlined above. The Authorization to Attend Meeting or Convention is on file with the minutes.

Mr. Tennyson expounded the next item for review was the Solid Waste RFP (Request for Proposal) which Mr. Dusek would address. Mr. Dusek distributed a handout of a draft RFP to the Committee members, a copy of which is on file with the minutes. He apprised that the intent was to join with the Towns of the County and seek to bid the solid waste over which the County had control, for disposal to determine the best pricing for such services. He reviewed the draft RFP in detail with the Committee. The communities that were interested in joining to date, he continued, were Horicon, Thurman and Stony Creek. Mr. McCoy advised the Town of Lake George had passed a resolution to join with the County. Chairman Stec said the Town of Queensbury was interested in joining, as well. Mr. Geraghty noted the Town of Warrensburg had passed a resolution to join the County also. Mr. Dusek referred to page 5 and stated that the low bid determination would be made by the overall cost of disposal to the County and municipalities throughout the term of the disposal contract and the County would estimate the waste hauling costs. He added he would most likely release a separate hauling bid at the same time as the release of the Solid Waste bid. He advised the RFP should be released within the next thirty days.

Discussion ensued relative to the Solid Waste RFP.

Mr. Dusek announced another matter for discussion concerned Perkins Recycling. He asserted that the former Ciba Geigy property had been rented to Perkins Recycling and the contract expired at the end of June. He stated that Perkins Recycling had requested a six month extension and the rental cost was \$8,000 per month. He apprised if the Committee desired to authorize the six month extension, a local law would be needed.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to authorize a six month extension to Perkins Recycling and to introduce the necessary local law. The necessary resolution was authorized for the June 17, 2011 Board meeting.

Mr. Dusek informed he was approached by the owner of the Homeowners Association on Bay Road, who had expressed concerns that the intersection of Bay Road and Blind Rock Road was getting extremely busy with all of the developments that were occurring on the four corners. The owner had indicated, he continued, that a new development was going in on one of the corners and he was concerned that there was a need for turning lanes or a round-about in that area. Chairman Stec interjected that the aforementioned development had not submitted an application yet for site plan review; however, he said, it may warrant a review of the intersection in the future. Mr. Dusek recommended Mr. Tennyson take a look at it and added that he would send a letter to the Zoning Administrator in Queensbury requesting that they advise the County if an application was received.

Returning to the Agenda review, Mr. Tennyson presented two requests for transfers of funds, the first in the amount of \$6,380 to pay unemployment for an employee for 2011

and the second in the amount of \$1,000 to cover an extra expense caused by road flooding in May.

Motion was made by Mr. McCoy, seconded by Mrs. Wood and carried unanimously to authorize the two requests for transfers of funds as outlined above and to refer the same to the Finance Committee. Copies of the Requests for Transfer of Funds are on file with the minutes.

Mr. Tennyson referred to the Items of Interest portion of the Agenda, and he distributed photos of the Milton Street Bridge Replacement for the Committee members to review. He noted that the road should be completely open and back in service by early July.

Concerning the Alder Brook Road Bridge Replacement, Mr. Tennyson informed the new bridge was in place and required just a little more work. He stated that the Harrington Road Bridge Replacement was underway and had been slightly hampered by high waters. With regard to the Corinth Road Reconstruction Project, he said there was still a one way traffic detour, and the road work was going well. He noted that the utility work was virtually complete and the County road work was accelerating quickly. Mr. Tennyson opined the project should be completed by October.

Mr. Tennyson briefly reviewed the Referral items as follows:

- 1- Mr. Tennyson advised he would update the Committee next month relative to the chart reflecting position reductions/changes in staffing.
- 2- Mr. Tennyson said the New York State Department of Environmental Conservation (NYS DEC) had been notified of the County's desire respective to plowing services of the NYS DEC portion of Beach Road and it could be removed from the Pending Item list.

There being no further business to come before the Public Works Committee, on motion made by Mrs. Wood and seconded by Mr. McCoy, Mr. Belden adjourned the meeting at 12:15 p.m.

Respectfully submitted,

Nicole Livingston, Deputy Clerk